



W.A.(MD)Nos.588 & 592 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

AND

THE HONOURABLE **DR.JUSTICE A.D.MARIA CLETE**

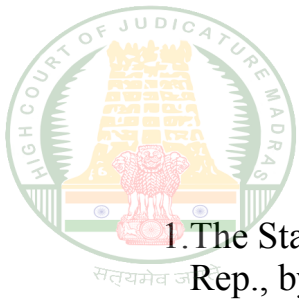
W.A.(MD)Nos.588 & 592 of 2020

and

C.M.P.(MD)Nos.3876, 3880 and 3881 of 2020

- 1.The State of Tamil Nadu,
Rep., by its Principal Secretary to Government,
Rural Development Department,
Fort St.George, Chennai-9.
- 2.The Commissioner,
Rural Development and Panchayat Raj
Department, Panagal Building,
Saidapet, Chennai-15.
- 3.The District Collector,
Office of the Collectorate,
Virudhunagar District.
- 4.The District Collector,
Madurai District, Madurai.
- 5.The District Collector,
Office of the Collectorate,
Ramnad District.

... Appellants
in W.A.(MD)No.588 of 2020



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1.The State of Tamil Nadu,
Rep., by its Principal Secretary to Government,
Rural Development Department,
Fort St.George, Chennai-9.

2.The Commissioner,
Rural Development and Panchayat Raj
Department, Panagal Building,
Saidapet, Chennai-15.

3.The District Collector,
Office of the Collectorate,
Virudhunagar District.

... Appellants
in W.A.(MD)No.592 of 2020

-Vs-

1.R.Bagirathan
2.T.Alagarraj
3.S.Shanmugam
4.R.Parthasarathy

5.The Accountant General,
(Accounts & Establishments Tamil Nadu),
361, Anna Salai, Chennai-78.

... Respondents
in W.A.(MD)No.588 of 2020

1.R.Jeyaraman
2.S.Chandran
3.R.Seenivasan

4.The Accountant General,
(Accounts & Establishments Tamil Nadu),
361, Anna Salai, Chennai-78.

... Respondents
in W.A.(MD)No.592 of 2020

COMMON PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 29.01.2020 made in W.P.(MD)Nos.11819 & 4171 of 2015 on the file of this Court.

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For Appellants : Mr.S.P.Maharajan,
Special Government Pleader
(in both appeals)
For R1, R2 & R4 : Mr.A.P.Muthupandian
For R3 : Not ready in notice
For R5 : Mr.P.Gunasekaran
(in W.A.(MD)No.588 of 2020)
For R1 to R3 : Mr.A.P.Muthupandian
For R4 : Mr.P.Gunasekaran
(in W.A.(MD)No.592 of 2020)

COMMON JUDGMENT

[Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***]

These Writ Appeals have been instituted challenging the common order of the Writ Court dated 29.01.2020 made in W.P.(MD)Nos.11819 & 4171 of 2015.

2.The State of Tamil Nadu has preferred the present Writ Appeals. The private respondents in the Writ Appeals have instituted the Writ proceedings, seeking for a direction to the appellants for counting the services rendered by them in the post of Rural Welfare Officer Grade-I for the purpose of further promotion and grant notional benefits and consequently, pay arrears of salary and



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other pensionary benefits to them based on G.O.(Ms)No.123, Rural Development and Panchayat Raj (E6) Department, dated 07.03.2012. Mainly, the Writ Petitions have been instituted by the respondents belatedly, seeking to extend the benefits granted to one K.Senthilvel in G.O.(Ms)No.123, dated 07.03.2012.

3.A perusal of the said G.O., reveals that it was issued only to the individual, namely, K.Senthilvel, based on the judgment of this Court dated 04.02.2008. The Government has cautiously stated in the said G.O., that no similar claim to be entertained by any other employee and further, the case of K.Senthilvel cannot be cited as precedent for claiming monetary benefits. In certain circumstances, the Government, while implementing the orders, stated these conditions to avoid unnecessary and belated claims from the employees, who have retired from service, which may result in huge financial loss to the State Exchequer. In the case of K.Senthilvel, the Government in clear terms state that the said case cannot be a precedent nor the case of similarly placed persons can be entertained by the authorities competent.

4.Pertinently, the respondents have retired in the year 1996, 1999 and 2002 and the Writ Petitions have been, admittedly, instituted in the year 2015 ie., after lapse of about 13 years from the date of retirement. The retired employee,



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after lapse of 13 years cannot seek retrospective promotion and for count of the services by granting notional promotion. Such a styled claims cannot be entertained, since it is hit by the principle of laches.

5.The practice of submitting a representation to the authorities after lapse of several years and in respect of dead cases and thereafter, filing Writ Petition and securing order from the High Court to dispose of the Writ Petition would do no service to the cause of justice. Such routine orders or direction to consider the representation leads to multiplicity of legal proceedings and ultimately, causing financial loss or prejudice to the State and the public interest. Therefore, the Writ Courts are expected to exercise restraint even while issuing direction to consider the representation. In the absence of establishing any legal right, no Writ Petition needs to be entertained. Belated claims cannot be entertained, more specifically, in service matters. The relationship between the employer and the employee is contractual in nature. Therefore, any service benefits are to be claimed within the reasonable period of time or as stipulated under the Service Rules applicable to the employee.

6.In the present case, the employees, who retired in the year 1996, 1999 and 2002, filed the Writ Petitions in the year 2015 ie., after lapse of more than 13

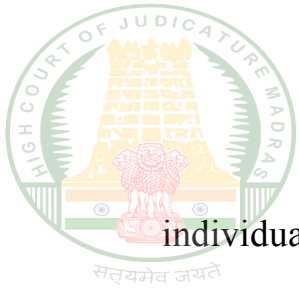


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years, claiming benefit of retrospective promotion and counting of service and the monetary benefits by citing one K.Senthilvel, whose case was restricted by the Government only to said K.Senthilvel alone. Further, the Government has stated that the case of K.Senthilvel cannot be considered as a precedent nor similarly placed persons are entitled to claim such benefits.

7.For all these reasons, this Court is of the considered view that the claim of the respondents are belated and ought to have been rejected on the ground of laches. More so, the respondents are not entitled to claim benefit, since the Government has restricted the benefit in favour of K.Senthilvel.

8.Further, similar claim made out by other persons was dismissed by the learned Single Judge, vide order dated 24.07.2019 made in W.P.(MD)No.21745 of 2019 etc., batch cases. That apart, the Division Bench of this Court has also considered the issue in W.A.(MD)Nos.255 to 258 of 2020 etc batch cases and passed an order on 20.07.2020 and the Division Bench has held that the dispute is relating to the claim of promotion, which the appellants may have had at the time when they were in service. But, nonetheless, we do not find any plausible reason for entertaining the claim after lapse of several years and rejected the claim. Therefore, any order passed by the learned Single Judge, allowing the claim of the



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individual based on the said G.O., cannot be cited as a precedent for securing relief.

9.For all these reasons, the common order of the Writ Court dated 29.01.2020 made in W.P.(MD)Nos.11819 and 4171 of 2015 is set aside and these Writ Appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S, J.] & [A.D.M.C., J.]
09.07.2025

NCC : Yes / No
Index : Yes / No

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